

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Mary A. Jones,

Case No. 2:24-cv-01914-CDS-EJY

Plaintiff

Order Adopting Magistrate Judge's Report and Recommendation and Order to Show Cause

1

Jhone Ebert, et al.,

[ECF No. 5]

Defendants

10 United States Magistrate Judge Elayna J. Youshah issued a report and recommendation
11 (R&R) that I dismiss the complaint without prejudice, but that I dismiss the claims against the
12 individual defendants with prejudice, and that pro se plaintiff Mary Jones be given one more
13 opportunity to demonstrate she exhausted all administrative remedies with the Nevada Equal
14 Rights Commission or the U.S. Equal Employment Opportunity Commission. R&R, ECF No. 5.
15 Judge Youshah gave Jones until December 20, 2024, to file a second amended complaint (SAC). *Id.*
16 at 2. Jones had until December 5, 2024, to lodge any objections to the R&R. *See id.* at 3; *see also* LR
17 IB 3-2(a) (stating that parties wishing to object to an R&R must file objections within fourteen
18 days); 28 U.S.C. § 636(b)(1)(C) (same). As of the date of this order, Jones has not objected to the
19 recommendation, nor has she requested more time to do so. Further, Jones failed to file a SAC by
20 the December 20, 2024, deadline.

21 “[N]o review is required of a magistrate judge’s report and recommendation unless
22 objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v.*
23 *Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Because
24 no objection has been filed, I adopt the R&R in full and dismiss the claims against the individual
25 defendants with prejudice but dismiss the complaint without prejudice.

26

1 Jones failed to file her second amended complaint by the December 20 deadline. It is
2 unclear if Jones intends to abandon this litigation, or if she did not file the SAC because the court
3 had not yet resolved the pending R&R. Accordingly, Jones is hereby ORDERED TO SHOW
4 CAUSE why this case should not be dismissed for failure to timely file a second amended
5 complaint in compliance with the Court’s order granting her leave to amend. *See Ferdik v. Bonzelet*,
6 963 F.2d 1258, 1260 (9th Cir. 1992) (“District courts have the inherent power to control their
7 dockets and, ‘[i]n the exercise of that power they may impose sanctions including, where
8 appropriate, . . . dismissal of a case.’”) (quoting *Thompson v. Housing Auth.*, 782 F.2d 829, 831 (9th Cir.
9 1986)). Jones has until January 24, 2025, to respond to this show cause order and explain why
10 this case should not be dismissed and file the SAC. If Jones fails to comply, the court will
11 interpret her inaction as an intent to abandon this litigation and this case will be dismissed
12 without any further notice.

Conclusion

14 IT IS THEREFORE ORDERED that the magistrate judge's report and recommendation
15 [ECF No. 5] is adopted in its entirety. The claims against Jhone Ebert, Savannah Deinicola, and
16 Jowana Brown are dismissed with prejudice. The first amended complaint is dismissed without
17 prejudice.

18 IT IS FURTHER ORDERED that Jones must SHOW CAUSE why the case should not
19 be dismissed for failure to timely file a second amended complaint in compliance with the Court's
20 order granting her leave to amend. Jones has until January 24, 2025, to respond to this show
21 cause order and explain why this action should not be dismissed and to file the second
22 amended complaint.

Dated: January 7, 2025

Cristina D. Silva
United States District Judge